

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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| <p>SHARON L. SNYDER,</p> <p>Plaintiff,</p> <p>-vs-</p> <p>MONARCH RECOVERY MANAGEMENT, INC., a.k.a. ACADEMY COLLECTION SERVICE, INC.,</p> <p>Defendants.</p> | <p><i>Civil Action No. _____</i></p> |
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COMPLAINT & DEMAND FOR JURY TRIAL

INTRODUCTION

1. Plaintiff Sharon L. Snyder brings this action for actual and statutory damages resulting from the Defendant's various violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter "FDCPA"), a law that prohibits debt collectors from using abusive, deceptive, and unfair practices in an attempt to collect a debt.

JURISDICTION & VENUE

2. This honorable Court possesses jurisdiction over this matter pursuant to 15 U.S.C. §1692k(d) and 28 U.S.C. § 1331.
3. Additionally, venue in this district arises pursuant to 28 U.S.C. §1391(b) since the Defendant transacts business here and the conduct complained of occurred here.

PARTIES

4. Plaintiff Sharon L. Snyder ("Sharon Snyder" and "Snyder") is a natural person residing in the County of Monroe, State of New York, and is a "consumer" as that term is defined by 15 U.S.C. §1692a(3).
5. Defendant Monarch Recovery Management, Inc., a.k.a. Academy Collection Service, Inc., (hereinafter "Monarch") is a foreign business corporation organized and existing under the laws of the State of Pennsylvania and is a "debt collector" as that term is defined by 15 U.S.C. §1692a(6).

6. Any and all acts of the Defendant hereinafter alleged were performed by Defendant's employees or agents, while under the scope of Defendant's actual or apparent authority.
7. Any and all references to "Defendant" herein shall include the Defendant and/or any employee or agent of Defendant.

FACTUAL ALLEGATIONS

8. That Plaintiff Sharon Snyder is alleged to have incurred and later defaulted on a personal debt to Premier Bankcard, LLC. Said alleged debt will hereinafter be referred to as "the subject debt."
9. The subject debt is a "debt" as that term is defined by 15 U.S.C. §1692a(5), as it allegedly arose out of a transaction in which money, services or property, which was the subject of the transaction, was primarily for personal, family and/or household purposes.
10. That upon information and belief, Defendant Monarch was employed by Premier Bankcard, LLC following Plaintiff's alleged default, in order to collect payment on the subject debt.
11. That on more than one occasion, Defendant became extremely rude with Plaintiff Snyder and yelled at her when she did not agree to pay the subject debt.
12. That on one occasion in particular, Defendant Monarch was so loud that Plaintiff's daughter, who was in the next room, could hear Defendant and came into the room in order to encourage Plaintiff to hang up the telephone.
13. That Defendant Monarch routinely called Plaintiff Snyder upwards of three (3) or more times daily over a several month time span.
14. That on one occasion, Defendant Monarch even called Plaintiff Snyder three (3) times in just under four (4) minutes.
15. That Defendant's constant telephone calls and abusive conduct harassed Plaintiff Snyder and caused her to become extremely upset, frustrated and otherwise suffered from emotional distress.

CAUSE OF ACTION

16. The aforementioned acts and omissions of the Defendant have violated the Fair Debt Collection Practices Act (15 U.S.C. §1692 et seq.) as follows:
17. Defendant violated 15 U.S.C. §1692d, 15 U.S.C. §1692d(2) and 15 U.S.C. §1692f by using language the natural consequence by yelling at Plaintiff repeatedly.

18. Defendant violated 15 U.S.C. §1692d, 15 U.S.C. 1692d(5) and 15 U.S.C. §1692f by repeatedly and continuously causing Plaintiff Snyder's telephone to ring with the intent to annoy, abuse and harass her.
19. Because of the Defendant's various aforementioned violations of the FDCPA, Plaintiff became extremely upset, anxious, frustrated and otherwise suffered from emotional distress.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Sharon L. Snyder respectfully requests that this honorable Court enter judgment against the Defendant for:

- (a) Actual damages, pursuant to 15 U.S.C. §1692k(a)(1);
- (b) Statutory damages of \$1,000.00, pursuant to 15 U.S.C. §1692k(a)(2)(A);
- (c) Costs and disbursements of this action, together with reasonable attorney's fees, pursuant to 15 U.S.C. § 1692k(a)(3); *and*
- (d) For any and all additional relief as this honorable Court may deem just and proper.

JURY DEMAND

Please take notice that Plaintiff Snyder demands a trial by jury in this action.

Date: August 24, 2010

/s/Frank J. Borgese
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